DOCKET NO.: MSFT-2772/305423.01
Application No.: 10/734,450
Office Action Dated: August 10, 2007

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

According to the present office action, claims 1-40 are pending in the application. These same claims stand rejected.

Telephonic Interview

On December 18, 2007, the examiner and undersigned conducted a telephonic interview. Several point of agreements were reached. The substance of the interview is incorporated into the remarks below.

Claim Rejections – 35 U.S.C. § 101 and § 112

Per agreement reached during the telephonic interview, the applicant has changed the term "utilizing" to "configuring," and the term "accessible" to "accessed." These amendments are shown above in the listing of the claims.

Claim Rejections – 35 U.S.C. § 103

As was discussed during the telephonic interview, and in relevant part, U.S. Patent No. 6,848,012 (LeBlanc et al.) discloses media streams that may be configured to operate in one or a plurality of modes, such as [1] a narrow band mode and [2] a wide band mode. In the case of multimedia telephony services, one or more virtual drivers 205 can be used in such a [1] narrow band mode and [2] wide band mode.

In contrast, the newly amended claim 1 recites:

A method for implementing a bimodal virtual device in a computer system, said method comprising:
configuring the bimodal virtual device such that it selectively operates with one or more virtual machines in two different modes, **[1]** a first mode comprising a hardware mode during which *the bimodal virtual device emulates a specific hardware device* and is accessed by a virtual machine via a device driver that is configured to drive the specific hardware device, and **[2]** a second mode comprising an idealized mode where *the bimodal virtual device is optimized for a virtualized environment and wherein said virtual device operates without emulating the specific hardware device.*

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(brackets and emphasis added). LeBlanc et al. does not disclose such a bimodal virtual device. In other words, [1] a narrow band mode of a media stream (LeBlanc et al.) does not render obvious "a first mode … during which the bimodal virtual device emulates a specific hardware device" (claim 1); and, moreover, [2] a wide band mode (LeBlanc et al.) does not render obvious "a second mode … where the bimodal virtual device is optimized for a virtualized environment and wherein said virtual device operates without emulating the specific hardware device" (claim 1).

No mention is made in LeBlanc et al. regarding virtual drivers 205 having the ability to [1] emulate a specific hardware device and [2] being optimized for a virtualized environment and operating without emulating the specific hardware device. Instead, all LeBlanc et al. discloses is a virtual driver 205 with a decoder 263, encoder 260, a band splitter 264, a band combiner 250, and so on (see Fig. 2), and having the alleged ability to operate in a narrow band mode and/or a wide band mode.

Furthermore, the addition of the U.S. Publication No. 2003/0061401 (Luciani, Jr.) in the present rejection does not cure this deficiency, since all it discloses is the broad notion of input device virtualization with a programmable logic device. Without more, the notion of a "bimodal virtual device" as recited in claim 1 patetably defines over all the cited art.

The other independent claims 11, 21, 31 recite similar limitations to that of claim 1. Insofar as the dependent claims incorporate the limitations of the independent claims, they also define over the cited art for similar reasons. Thus, the applicant respectfully requests the allowance of pending claims 1-40.

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Should the examiner have any further questions and/or comments, the undersigned can be directly reached at 206-903-2461.

Date: January 14, 2007

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